

REMARKS

Claims 1-4, 6-10 and 46-52 were pending in the application. Upon entry of the present paper, claims 1-3, 6, 7, 10, 47 and 50-52 are amended, claims 4, 8-9 and 46 are canceled without prejudice or disclaimer, and new claims 53-59 are added. No new matter is introduced with these amendments.

In the Office Action, the pending claims were treated as follows:

- claims 1-4, 6-10 and 46-52 were rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter
- claims 1, 4, 6-10 and 46-49 were rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged combination of Monteiro et al. (U.S. Patent No. 5,778,18) and Honjo et al. (U.S. Patent Application Publication No. 2002/0049912)
- claims 2-3 were rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of Monteiro et al., Honjo et al. and Jung et al. (U.S. Patent No. 6,308,208)
- claims 50-52 were rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged three-way combination of Monteiro et al., Honjo et al., and the Examiner's Official Notice

These rejections are respectfully traversed below, especially insofar as they may be applied to the claims as amended.

Rejections Under 35 U.S.C. § 101

The Office makes this rejection on the grounds that the previously-claimed "director", "participant managers" and "turnstile" were not limited to statutory embodiments. Without acquiescence, Applicants have amended these claims to recite specific devices, and Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejections Under 35 U.S.C. § 103

For the art-based rejections, the Office relies on Monteiro et al. for the previously-recited “hierarchy.” Although Monteiro et al. does discuss its Primary Servers 20 and Media Servers 30 being in a hierarchy (see, e.g., col. 3, lines 9-16 and Fig. 1), Monteiro et al. does not teach or suggest the features now recited in amended independent claim 1. For example, amended independent claim 1 recites the participant managers configured to perform following when entering the hierarchy:

transmitting an announce message to other participant manager devices in the hierarchy;

identifying a current upstream participant manager device as being one level higher than the entering participant manager computing device;

iteratively comparing hierarchy levels of participant manager devices responding to the announce message to identify responding participant manager devices having a hierarchy level between the current upstream participant manager device and the entering participant manager device; and

in response to identifying a responding participant manager device having a hierarchy level between the current upstream participant manager device and the entering participant manager device, transmitting an attach message to the responding participant manager device having a hierarchy level between the current upstream participant manager device and the entering participant manager device

Monteiro et al. does not discuss, for example, how its Media Servers 30 enter the hierarchy shown in Fig. 1. Monteiro et al. certainly does not teach or suggest the steps recited in amended independent claim 1. New independent claim 55 recites a method of adding a new device to a hierarchy that is similarly not shown in Monteiro et al.

The other applied references do not overcome the deficiencies identified above with Monteiro et al. For example, Jung et al. is cited for reporting statistics through a hierarchy, but it also fails to discuss the hierarchy features identified above regarding amended independent claim 1 and new independent claim 55. Honjo et al. was only cited for ticket-related features, and does not overcome the hierarchy deficiencies discussed above, and the Office’s Official Notice is also focused on the basic concept of using tickets to limit access to events.

Accordingly, Applicants submit that independent claims 1 and 55 distinguish over the art of record, and are in condition for allowance. The other remaining claims depend from one of these, and are distinguishable for at least the same reasons as their base claim, and further in view of the various features recited therein. For example, dependent claims 53, 54 and 57-59 recite additional distance-related features that are not shown in the applied references.

Conclusion

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits notification of the same. However, if the Examiner feels that additional discussion would be helpful, the Examiner is invited to telephone Applicants' undersigned representative at the number appearing below.

Respectfully submitted,

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